

#### REMARKS

This amendment is in response to the Office Action dated May 8, 2008. Claims 1 and 4 are requested to be amended. Exemplary support for these claims can be found throughout the specification as-filed, including page 1 at lines 23-24 of the application. After amending the claims as set forth above, claims 1, 4 – 5 and 8 – 22 will be pending and subject to an examination on the merits.

Claims 16 – 20 stands rejected under 35 U.S.C. § 112, second paragraph as allegedly indefinite for reciting "cationics such as". While not acquiescing in the propriety of the rejection, claim 16 no longer recites the phrase in question. Thus, the amendment renders the rejection moot.

Applicants acknowledge the provisional obviousness-type double patenting rejections of claims 1 – 4 and 6 – 22 over copending and commonly owned applications 10/578211 and 10/596268. Applicants respectfully disagree with the Examiner's assessment. Applicants respectfully submit that there is sufficient difference between the respective applications to merit withdrawal of this rejection. Applicants respectfully traverse the Examiner's contention, but will consider the filing of a terminal disclaimer once allowable subject matter has been identified by the Examiner.

Claims 1 – 4, 6 – 13, 21 and 22 stand rejected under 35 U.S.C. § 102(b) as allegedly anticipated by PCT Patent Application Publication WO 02/076212 to Ashford et al (Ashford). According to the Office Action, Ashford discloses paraquat or diquat composition having an alkyl amine ethoxylate surfactant. As amended, claim 1 recites that the amine adjuvant therein has no surfactant properties. Ashford et al does not teach or suggest such a material. Accordingly, Ashford does not anticipate the presently claimed invention.

For at least these reasons, Applicants respectfully request reconsideration and withdrawal of this ground of rejection.

The Examiner rejects claim 5 under § 103 as being unpatentable over the combined teachings of Ashford in view of Scher et al. (US 5,562,914). Applicants respectfully traverse.

The Examiner contends that Scher et al (Scher) discloses triethylene diamine as a catalyst in coating membranes for agrochemical use, including for glyphosate. Scher describes porous particles into which a polyurethane polymer is made *in-situ* by reaction of a polyol with a polyisocyanate. It is the reaction between the polyol and the polyisocyanate that can be catalysed by an amine, including triethylene diamine - this is conventional polyurethane technology. Contrary to the Examiner's suggestion, Scher provides no motivation to include the amine therein (that is used by Scher as a catalyst for the polyisocyanate/polyol reaction) as an adjuvant in a paraquat/diquat agrochemical composition. These are simply completely different uses for the amines.

In view of the above comments, it is submitted that the present claims are not obvious in view of the prior art cited. Reconsideration and withdrawal of the § 103 rejections of the claims are earnestly requested.

In view of the above amendments and remarks, Applicants submit that present claims are allowable over the cited art. Withdrawal of all rejections is respectfully requested, along with issuance of a Notice of Allowance. Applicants invite the Examiner to telephone the undersigned attorney of record if the Examiner feels that the call will be beneficial to advance prosecution of the application.

Respectfully submitted,

USPTO Customer No. 26748  
Syngenta Crop Protection, Inc.  
Patent and Trademark Dept.  
410 Swing Road  
Greensboro, NC 27409  
(336) 632-7895

William A. Teoli, Jr./  
William A. Teoli, Jr.  
Attorney for Applicants  
Reg. No. 33,104

Date: October 8, 2008